



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PATRICK McGOWAN  
COMMISSIONER

# PERMIT

## AMENDMENT B BUILDING PERMIT BP 9556

The staff of the Maine Land Use Regulation Commission after reviewing the application and supporting documents submitted by Harold B. Arey for Amendment B to Building Permit BP 9556, finds the following facts:

1. Applicant: Harold B. Arey  
PO Box 210  
Ashland, Maine 04732
2. Date of Completed Application: November 2, 2004
3. Location of Proposal: Oxbow Plt, Aroostook County  
Part of Taxation Lot #10 on Plan 01
4. Zoning: (M-GN) General Management Subdistrict  
(P-SL) Shoreland Protection Subdistrict  
(P-RT) Special River Transition Protection Subdistrict  
(P-WL) Wetland Protection Subdistrict
5. Lot Size: 183 Acres (owned)
6. Principal Building: Existing Dwelling (24 ft. by 36 ft.)  
w/ Existing L-Shaped Porch (10 ft. by 18 ft. and 10 ft. by 24 ft.)  
w/ Existing Attached Garage (24 ft. by 36 ft.)  
Proposed Second Dwelling (20 ft. by 30 ft.)
7. Accessory Structures: Existing Generator Shed (8 ft. by 8 ft.)  
Existing Storage Shed (8 ft. by 12 ft.)  
Proposed Shed (10 ft. by 10 ft.)
8. Sewage Disposal: Existing Combined System  
Proposed Combined System
9. Affected Waterbody: Aroostook River
10. In December of 1996, Building Permit BP 9556 was issued to Maynard Bell for construction of a 28 foot by 36 foot dwelling, 10 foot by 18 foot and 10 foot by 28 foot L-shaped porch, an 8 foot by 12 foot storage shed and an 8 foot by 8 foot generator shed, and installation of a combined sewage disposal system. A 24 foot by 36 foot dwelling was constructed instead of a 28 foot by 36 foot dwelling and a 10 foot by 18 foot and 10 foot by 24 foot L-shaped deck was constructed instead of a 10 foot by 18 foot and 10 foot by 28 foot L-shaped deck.

11. In April of 1999, Amendment A to Building Permit was issued to Maynard Bell for construction of a 24 foot by 36 foot attached garage. The garage has been constructed.
12. The applicant has now acquired a portion of the original lot and a portion of the neighboring lot, including all of the development authorized under Building Permit BP 9556 and Amendment A. The applicant now seeks amendment approval to construct a 20 foot by 30 foot dwelling and a 10 foot by 10 foot shed, and install a combined sewage disposal system. All proposed development would be located within the (M-GN) General Management Subdistrict.
13. The proposal complies with Sub-Chapter III of the Commission's Land Use Districts and Standards.
14. The facts are otherwise as represented in Building Permit application BP 9556 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.


**Therefore, the staff approves the amendment request of Harold B. Arey with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. All authorized structures must be set back a minimum of 125 feet from the normal high water mark of Aroostook River, 75 feet from the upland edge of P-WL1 wetlands, 50 feet from access roads and 15 feet from other property boundary lines.
3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
4. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittees shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
6. All conditions of Building Permit 9556 and any subsequent amendments shall remain in effect except as modified by this amendment.

7. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
8. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit a redivision of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Commission prior to any future redivision of the lot.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17<sup>TH</sup> DAY OF NOVEMBER , 2004.

By:   
 Catherine M. Carroll, Director